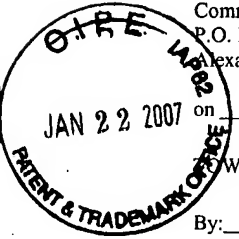


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on January 17, 2007

TOWNSEND and TOWNSEND and CREW LLP

By: Noorjahan Gillow
Noorjahan Gillow

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Scott Seamans

Application No.: 10/602,416

Filed: June 23, 2003

For: FOOTWEAR PIECES AND
METHODS FOR MANUFACTURING
SUCH

Customer No.: 20350

Confirmation No.: 9598

Examiner: Jila M. Mohandesi

Art Unit: 3728

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER
37 CFR §1.97 and §1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references [in compliance with the requirements of 37 CFR §1.98(a)(2)] are enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

01/23/2007 SSITHIB1 00000105 201430 10602416

01 FC:1806 180.00 DA

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

This IDS is being filed before the mailing date of the final Office Action or Notice of Allowance.

Please charge the IDS fee of \$180 to Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Darin J. Gibby
Reg. No. 38,464

Date: January 17, 2007

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 303-571-4321
DJG:ng



PTO/SB/21 (07-06)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

| | |
|------------------------|-------------------|
| Application Number | 10/602,416 |
| Filing Date | June 23, 2003 |
| First Named Inventor | Seamans, Scott |
| Art Unit | 3728 |
| Examiner Name | Jila M. Mohandesi |
| Attorney Docket Number | 040130-050010US |

ENCLOSURES (Check all that apply)

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Remarks

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| | |
|--------------|------------------------------------|
| Firm Name | Townsend and Townsend and Crew LLP |
| Signature | |
| Printed name | Darin J. Gibby |
| Date | January 17, 2007 |

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Substitute for form 1449B/PTO

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STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

| | | | | | |
|-------|---|----|---|--------------------------|-------------------|
| Sheet | 1 | of | 3 | Complete if Known | |
| | | | | Application Number | 10/602,416 |
| | | | | Filing Date | June 23, 2003 |
| | | | | First Named Inventor | Seamans, Scott |
| | | | | Art Unit | 3728 |
| | | | | Examiner Name | Jila M. Mohandesi |
| | | | | Attorney Docket Number | 040130-050010US |

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number Number Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| | A1 | | | | |
| | A2 | | | | |

FOREIGN PATENT DOCUMENTS

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| | B1 | CA | 2199084 | C | 05-31-2005 | Finproject - S.P.A., IT | | <input type="checkbox"/> |
| | B2 | WO | 00/13537 | A2 | 03-16-2000 | Thatcher, Mark | | <input type="checkbox"/> |

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| | | | | Application Number | 10/602,416 |
| | | | | Filing Date | June 23, 2003 |
| | | | | First Named Inventor | Seamans, Scott |
| | | | | Art Unit | 3728 |
| | | | | Examiner Name | Jila M. Mohandesi |
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| | C3 | Australian Govt-Prior Art Filing-Appln 2004243118-Sep 5 2006, p83 | <input type="checkbox"/> | |
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| | C5 | Australian Patent Office-Examiner's first report on patent application no. 2004243117, Aug 15, 2005, pages 2 | <input type="checkbox"/> | |
| | C6 | Australian Patent Office-Examiner's report no 2 on patent application no. 2004243118, May 25, 2006, pages 2 | <input type="checkbox"/> | |
| | C7 | Battiston-Affidavit-Aug 25 2006, p7 | <input type="checkbox"/> | |
| | C8 | Battiston-Copyright Assignment-Sep 15 2004, p4 | <input type="checkbox"/> | |
| | C9 | Birkenstock-Spring and Summer 2003 Catalog | <input type="checkbox"/> | |
| | C10 | Canadian Patent Office-Footwear Molds Search Report on Application No. 2,491,265, April 11, 2005, pages 2 | <input type="checkbox"/> | |
| | C11 | Canadian Patent Office-Footwear Molds Search Report on Application No. 2,491,265, June 7, 2006, pages 2 | <input type="checkbox"/> | |
| | C12 | Canadian Patent Office-Footwear Molds Search Report on Application No. 2,491,265- November 8, 2005, pages 2 | <input type="checkbox"/> | |
| | C13 | Canadian Patent Office-Footwear Pieces and Methods for Manufacturing Such Search Report on Application No. 2,491,269-May 5, 2005, pages 4 | <input type="checkbox"/> | |
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| | | | | First Named Inventor | Seamans, Scott |
| | | | | Art Unit | 3728 |
| | | | | Examiner Name | Jila M. Mohandesi |
| Sheet | 3 | of | 3 | Attorney Docket Number | 040130-050010US |

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| | C14 | Canadian Patent Office-Prior Art Filing-AppIn 2491269-Jul 12_2006, p84 | <input type="checkbox"/> |
| | C15 | Communication to the holder pursuant to Art. 31(1) CDIR-ICD000003010-Office for declaration of invalidity directed against the registered Community design 000257001-0001-Nov 8_2006, p62 | <input type="checkbox"/> |
| | C16 | European Patent Office-Communication International Search Report, Application No. 04752208.1, February 10, 2006, p5 | <input type="checkbox"/> |
| | C17 | European Patent Office-Communication pursuant to Article 96(2) EPC, Application No. 04752208.1, July 27, 2006, p5 | <input type="checkbox"/> |
| | C18 | European Patent Office-Communication pursuant to Article 96(2) EPC, Application No. 04752286.7, August 26, 2005, p4 | <input type="checkbox"/> |
| | C19 | European Patent Office-Communication pursuant to Article 96(2) EPC, Application No. 04752286.7, September 11, 2006, p5 | <input type="checkbox"/> |
| | C20 | European Patent AppIn Nos. EP1538937 and EP1624768-observations under 115 submitted by Pizzeys-Australia & New Zealand to European Patent Office, April 20, 2006, p59 | <input type="checkbox"/> |
| | C21 | Foam Creations vs Holey Soles-Statement of Defense-Federal Court-File No T-161-05, March 10, 2005, p63 | <input type="checkbox"/> |
| | C22 | New Zealand IP Office-Examination Report-Application No. 543580-, September 14, 2006, p2 | <input type="checkbox"/> |
| | C23 | New Zealand IP Office-Examination Report-Application No. 543581, September 14, 2006, p2 | <input type="checkbox"/> |
| | C24 | PCT-US04-15132- International Search Report & Written Opinion-Oct 18_2004, 10 pages | <input type="checkbox"/> |
| | C25 | PCT-US04-15132- International Search Report & Written Opinion-January 13_2005, 9 pages | <input type="checkbox"/> |
| | C26 | SARS-Section_15_Application-SARS, p2 | <input type="checkbox"/> |

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